S.B.CRIMINAL MISC. BAIL APPLICATION NO. 4483/2006
(Rekha Ram & Anr. Vs. State of Rajasthan)

DATE OF ORDER : 10/10/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Ranjeet Joshi for the petitioners.
Mr. V.R.Mehta, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned as also the FIR.

It is contended by learned counsel for the petitioners that the allegation against the driver of the Bolero Camper vehicle is that he hit the police Gypsy. It is clear from the FIR that Bolero vehicle was driven by Nimbsingh and the petitioners were not the driver of the vehicle.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties and the fact that the case of the petitioners is distinguishable from that of Nimbsingh who alleged to have driven the Bolero vehicle and hit the police Gypsy, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Rekha Ram S/o Joga Ram and Pab Singh S/o Hukam Singh in FIR No. 112/06 P.S. Shiv, district Barmer, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date

of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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